



# TOWN OF DIGHTON

PLANNING BOARD

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DIGHTON, MA 02715

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Daniel Higgins, Vice Chairman  
Christopher Cunha, Clerk  
Joseph Figueiredo, Member  
Robert J. Woods, Member

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Town Clerk-Dighton, MA

SEP 19 2023

Time: 10:00 AM  
By: S.C.

## TOWN OF DIGHTON NOTICE OF PUBLIC HEARING

In accordance with the provisions of Chapter 40A, Section 5, M.G.L. the Dighton Planning Board will hold a Public Hearing on Wednesday, October 4, 2023 at 7:00 p.m. at the Old Town Hall, 1111 Somerset Avenue, Dighton, MA to review and receive public comments concerning the proposed amendments to the Dighton Zoning Bylaws adopted November 1, 2022. The proposed amendments are identified below in terms of subject matter. The item designations given have been assigned by the Planning Board for identification purposes only. Article numbers will subsequently be established by the Selectmen for the Warrant.

### **ITEM 1. SOLAR ELECTRIC GENERATING FACILITIES ~ ZONING BYLAW**

Motion to see if the Town will vote to delete in its entirety Section 4659. a. II and replace with a new Section 4659. a. II, Section 4659. a. III and replace with a new Section 4659. a. III, Section 4659. a. IV and replace with a new Section 4659. a. IV, to remove the Large-Scale Mounted Solar Photovoltaic Installation from SECTION VI. DEFINITIONS as it no longer applies, and to italic all words within the Section 4600 that are defined in SECTION VI. DEFINITIONS, or take any action thereon.

### **ITEM 2. SITE PLAN REVIEW – ZONING BYLAW**

To see if the Town will vote to delete in its entirety Section 5420 and replace with a new Section 5420, Section 5441 and replace with a new Section 5441, Section 5442 and replace with a new Section 5442, Section 5445 and replace with a new Section 5445, Section 5450 and replace with a new Section 5450, Section 5460 and replace with a new Section 5460, and to italic all words within the Section 5400 that are defined in SECTION VI. DEFINITIONS, or take any action thereon.

A copy of the complete proposed text is available at the office of the Town Clerk or the Planning Board at 979 Somerset Avenue, Dighton, MA during regular business hours. Any person interested or wishing to be heard should appear at the time and place designated for the public hearing.

DIGHTON PLANNING BOARD

Jeff Carvalho, Chairman

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Town Clerk-Dighton, MA

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By: S.C.

## 4600. SOLAR ELECTRIC GENERATING FACILITIES

### 4610. Purpose.

The purpose of this Section is:

- A. to provide standards for the placement, design, construction, operation, monitoring, modification and removal of *Large-Scale* and *Small-Scale Ground-Mounted Solar Electric Installations* (see Section VI. Definitions);
- B. to minimize the adverse impacts of *Large-Scale* and *Small-Scale Ground-Mounted Solar Electric Installations* on adjacent properties and residential neighborhoods;
- C. to minimize impacts on scenic, natural and historic resources; and-
- D. to provide adequate financial assurance for complete construction of approved plans and for the eventual decommissioning of such installations.

The provisions set forth in this Section shall take precedence over all other provisions of this Bylaw when considering applications related to the construction, operation, and/or repair of Large-Scale and Small-Scale Ground-Mounted Solar Electric Installations.

### 4620. Applicability.

The provisions set forth in this Section shall apply to the construction, operation, repair and/or removal of any Large-Scale and Small-Scale Ground-Mounted Solar Electric Installations proposed after the effective date of this Section. Such installation may proceed following issuance of a Site Plan Review Approval by the Planning Board in accordance with Section 5400 hereof and the requirements of this Section 4600 as of right as set forth in the Table of Use Regulations without the need for a special permit, *variance*, zoning amendment, waiver, or other discretionary approval, except that where there is proposed a Large-Scale and Small-Scale Ground Mounted Solar Electric Installation in a Residential District then said installation shall also be subject to the Special Permit process as set forth in 5300 hereof. Any modification of any existing Large-Scale and Small-Scale Ground Mounted Solar Electric Installation that materially alters the type, configuration, or size of such facility or related equipment shall also be subject to this Section.

Except as defined hereunder and any system which is mounted on a *building* and to which the bylaw does not apply, no other solar electric installation shall be permitted in any district.

### 4621. Accessory Roof-Mounted Solar Photovoltaic Installations.

Nothing in this Section 4600 shall be construed to prevent the installation, pursuant to M.G.L. c. 40A, s. 3, of accessory roof-mounted solar photovoltaic installations in any district.

### 4622. Exemption for Municipal Land.

Large-Scale and Small-Scale Ground-Mounted Solar Electric Installations shall be allowed to be constructed upon any municipal property meeting the requirements of this bylaw regardless of the Zoning District.

### 4630. General Requirements.

The following requirements are common to all Large-Scale and Small-Scale Ground-Mounted

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Edits made from meeting dated: 8/16/2023

Created doc compare: 9/14/2023

Solar Electric Installations:

4631. Minimum Lot Size:

a. A Large-Scale Ground-Mounted Solar Electric Installation system may not be located on a parcel of less than eight (8) acres.

b. A Small-Scale Ground-Mounted Solar Electric Installation system may not be located on a parcel of land less than the minimum lot size required under this bylaw for the district in which it is located. -Notwithstanding the foregoing any Small-Scale Ground Mounted System which exceed a name-plate capacity of 50 kW Direct Current (DC) shall not be located on a parcel of land which is less than two (2) acres.

4632. Compliance with Laws, Ordinances and Regulations. The construction and operation of all such proposed *Large-Scale* and *Small-Scale Ground Mounted Solar Electric Installations* shall be consistent with all applicable local, state and federal requirements, including but not limited to, all applicable safety, construction, and environmental, electrical, communications. -All buildings and fixtures forming part of a solar electric installation shall be constructed in accordance with the Massachusetts State Building Code.

4633. Site Plan Review, Building Permit. No Large-Scale and Small-Scale Ground-Mounted Solar Electric Installation shall be erected, constructed, installed or modified as provided in this Section without first obtaining approval from the Planning Board for Site Plan Approval pursuant to Section 5400 and Section 4600 of this Bylaw and without first obtaining a building permit, and all other applicable permits required by law, and paying any required fees. Any Site Plan Review Application must include documentation showing review and approval from the Fire Chief and Police Chief. -In the event Site Plan Review is not completed by the Planning Board one year from the date of a completed application as determined by the Planning Board, the application shall be deemed approved. In addition to the above, any Large-Scale and Small-Scale Ground-Mounted Solar Electric Installation proposed in the Residential District must also receive a Special Permit in accordance with Section 5300 of this bylaw.

4634. Fees. The application for a building permit for a Large-Scale Ground-Mounted Solar Electric Installation must be accompanied by the fee required in accordance with the Planning Board Fee Schedule.

4635. Special Permit Granting Authority. -The Planning Board shall be the Special Permit Granting Authority hereunder.

4640. Submittal to the Planning Board.

An application for Site Plan Review for a Large-Scale Ground-Mounted Solar Electric Installations shall include the following information. -All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in Massachusetts.

Edits/comments added from meeting dated: 7/19/2023

Edits made from meeting dated: 8/16/2023

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- a. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby *structures*
- b. A copy of an Interconnection Application filed with the utility including a one- or three-line electrical diagram detailing the solar electric installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
- c. Documentation of the major system components to be used, including the electric generating components, transmission systems, mounting system, inverter, etc.;
- d. Name, address, and contact information for proposed system installer;
- e. Name, address, phone number and signature of the project proponent, as well as, all co-proponents or property owners, if any;
- f. The name, contact information and signature of any agents representing the project proponent;
- g. Documentation of actual or prospective access and control of the project site;
- h. An operation and maintenance plan (see Section 4642);
- i. Proof of liability insurance;
- j. Evidence that the utility company that operates the electrical grid where the installation is to be located has been informed of the applicant's intent to
  - j. install an interconnected customer-owned generator. - Off-grid systems shall be exempt from this requirement;
- k. Locations of wetlands and Priority Habitat Areas defined by the Natural Heritage & Endangered Species Program (NHESP);
- l. Locations of Floodplains or inundation areas for moderate or high hazard dams;
- m. A list of any *hazardous materials* proposed to be located on the site in excess of household quantities and a plan to prevent their release to the environment, as appropriate;
- n. A detailed impact study for the Utility Interconnection including information on the location and type of any poles, transformers or other electrical components required by the utility to support the proposed solar facility including electrical equipment upgrades outside the facility to allow the site to connect to the grid including any necessary tree trimming. - The list of abutters shall include abutters within a 300' radius of these changes;
- o. Documentation by an acoustical engineer of the noise levels projected to be generated by the installation;
- p. Description of financial surety that satisfies Section 4690.

4641. - Site Control. - The applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar electric installation. - Control shall include the legal authority to prevent the use or construction of any *structure* for human habitation within the setback areas.

Edits/comments added from meeting dated: 7/19/2023

Edits made from meeting dated: 8/16/2023

Created doc compare: 9/14/2023

4642. Operation and Maintenance Plan. The applicant shall submit to the Planning Board a plan for maintenance of access roads and storm water controls, as well as, general procedures for operational maintenance of the installation.

4650. Design Standards.

The following standards shall apply to any Large-Scale Ground-Mounted Solar Electric Installation.

4651. Lighting. Lighting of *Large-Scale Ground Mounted Solar Electric Installation*, including *energy storage* systems, shall be *Dark Sky* compliant and consistent with local, state and federal law. ~~Lighting~~ of other parts of the installation, such as accessory structures, shall be limited to that required for safety and operational purposes, and shall not cast measurable light onto adjacent properties or into the night sky. ~~Lighting~~ of the solar electric installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

4652. Signage. Signs on such installations shall comply with the Town's *sign* by-law. The following *signs* shall be required:

- a. Those necessary to identify the owner, provide a 24-hour emergency contact phone number, and warn of any danger.
- b. Educational *signs* providing information about the facility and the benefits of renewable energy.
- c. Installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the facility.

4653. Utility Connections. The Planning Board may require as a condition of site plan approval that all utility connections from the solar photovoltaic installation shall be underground, after considering soil conditions, shape, and topography of the site and any requirements of the utility provider. ~~Electrical transformers for utility interconnections may be above ground if required by the utility provider.~~

4654. Roads. Access roads shall be constructed to minimize grading, removal of stone walls or trees and minimize impacts to environmental or historic resources.

4655. Control of Vegetation. ~~Herbicides may not be used to control vegetation at the solar eleetric installation. Mowing, grazing or using geotextile materials underneath the solar array are possible alternatives. Removal of existing trees on the site should be minimized to the maximum extent feasible; the Planning Board, pursuant to the Special Permit and/or Site Plan Review process, may require that replacement trees be planted outside the Facility unless the owner is subject to the fee requirement in Section 4680.~~

*[Disapproved by the Attorney General's office on February 17, 2023]*

*[Disapproved by the Attorney General's office on February 17, 2023]*

4656. Hazardous Materials. ~~Hazardous materials stored, used or generated on~~

*Edits/comments added from meeting dated: 7/19/2023*

*Edits made from meeting dated: 8/16/2023*

*Created doc compare: 9/14/2023*

site shall not exceed the amount for a Very Small Quantity Generator of Hazardous Waste as defined by the MassDEP pursuant to MassDEP regulations 310 CMR 30.000 and shall meet all requirements of the MassDEP including storage of *hazardous materials* in a *building* with an *impervious* floor that is not adjacent to any floor drains to prevent discharge to the outdoor environment. *If hazardous materials* are utilized within the solar electric equipment, then *impervious* containment areas capable of controlling any release to the environment and to prevent potential contamination of groundwater are required.

In order to protect water supplies and preserve public safety associated *Energy Storage* Systems should not be located in the Zone 1 of any public water supply and should be located above the 100-year flood plain. *–The Energy Storage Systems must be located within a structure with the following features: an acid resistant membrane floor for potential leaks of hazardous materials; a temperature and humidity-maintained environment; a smoke/fire detection system, UL approved monitoring system, fire alarm fire suppression system, a thermal runaway system, and a local disconnect point or emergency shutdown feature.*

The *building* and systems must be approved by the Dighton Fire Chief and must be designed and installed in accordance with all applicable State codes and safety requirements, as well as, safety measures recommended by the National Fire Protection Association. The applicant will provide specialized emergency response funding for training of Dighton Fire Department staff prior to grid inter-connection. *– Periodic inspections to ensure the integrity of the batteries, other equipment, and the containment systems, may be required as a condition of the Special Permit and the Site Plan Review.*

4657. *–Noise.* Noise generated by Large-Scale Ground-Mounted Solar Electric Installations and associated equipment and machinery shall conform to applicable state and local noise regulations, including the MassDEP's Division of Air Quality noise regulations, 310 CMR 7.10. *–A source of sound will be considered in violation if the source:*

- a. increases the broadband sound level by more than 10 db(A) above ambient; or produces a “pure tone” condition, when an octave band center frequency sound pressure level exceeds the two (2) adjacent center frequency sound pressure levels by three (3) decibels or more.

Said criteria are measured both at the property line and at the nearest inhabited residence. “Ambient” is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment hours, unless established by other means with the consent of the MassDEP.

4658. *–Accessory Structures.* All accessory structures to *Large-Scale Ground-Mounted Solar Electric Installations* shall be subject to reasonable regulations concerning the bulk and height of *structures*, *lot area*, setbacks, open space, parking and *building coverage* requirements. All building setbacks shall be in conformance with Appendix B. All such accessory structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. *–To the*

Edits/comments added from meeting dated: 7/19/2023

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Created doc compare: 9/14/2023

maximum extent feasible, *structures* which are visible or directly adjacent to residentially zoned or occupied properties or which are adjacent to a public way shall be screened from view by landscaping or other means and/or joined or clustered to avoid adverse visual impacts.

4659.- Dimensional and Density Requirements; Setbacks.-

- a. For *Large-Scale Ground-Mounted Solar Electric Installations*, front, side and rear setbacks for system components shall be as follows:-
  - I. Front *yard*.- The front *yard* depth shall be at least 75 feet and shall be measured from the roadway right of way center line; provided, however, that where the *lot* abuts a Residential district, the front *yard* shall not be less than 100 feet.
  - II. Side *yard*. Each side *yard* shall have a depth at least 75~~100~~ feet, and at least 100~~200~~ feet from any *dwelling* on another parcel as measured from the closest point of the array~~or any accessory structure to the dwelling~~.
  - III. Rear *yard*. The rear *yard* depth shall be at least 75~~100~~ feet, and at least 100~~200~~ feet from any *dwelling* on another parcel as measured from the closest point of the array~~or any accessory structure to the dwelling~~.
  - IV. Buffers. A natural buffer shall be provided around the entire facility, including the Large-Scale Ground-Mounted Solar Electric Installation and any accessory structures, for the purpose of screening from view the same by a person standing at ground level, from adjacent streets and properties. Such buffering can be existing vegetation or landforms, or new plantings. Said buffer shall be at least 30~~50~~ feet deep and shall be continuous, save only where access drives must pass through the buffer. Said buffer shall conform with setback requirements in Appendix B. Such vegetation shall be of a type that will grow to at least 10 feet within five years of the completion of construction of the Large-Scale Ground- Mounted Solar Electric Installation. When vegetation is planted, at least 75% of such planted vegetation shall be evergreen species. Landscape plans, showing existing and proposed vegetation shall be provided as part of the Site Plan, with specifications as to type and size noted so that it can be clearly understood what will be planted.
- b. For *Small-Scale Ground Mounted Solar Electric Installations*, front, side and rear setbacks for system components shall be in accordance with the setbacks required for accessory *structures* within the district in which it is located, but in all events shall be at least 100 feet from any *dwelling* on another parcel.
- c. For *Energy Storage* Installations, in order to secure public safety concerns the following shall be as follows:
  - a. Fire Department must have access to a municipal maintained public water supply within 800 feet of the center point of the Battery *Energy Storage* System modules, but at no time should be located any closer than 100 feet from nearest Battery *Energy Storage* System. -Adequate water supply shall be determined

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Edits made from meeting dated: 8/16/2023

Created doc compare: 9/14/2023

by the applicable public water supplier and the Dighton Fire Chief.

- b. No less than 200 feet from any property line
- c. No less than 100 feet from the tree line/vegetative buffer

d. **Waivers:** Notwithstanding the aforementioned setback requirements, the Planning Board, as appropriate, shall have the authority to waive setback requirements based on site-specific conditions, and only after review of substantial evidence, including but not limited to, detailed engineering reports or product engineering certification, which demonstrate that safety concerns have been minimized and that setbacks have been complied with to a reasonable extent.

**4660. Safety and Environmental Standards**

The following standards shall apply to any Large-Scale Ground-Mounted Solar Electric Installations.

**4661. Emergency Services.** The *Large-Scale-Ground-Mounted-Solar-Electric Installation* owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

**4662. Unauthorized Access.** Installations shall be surrounded by security fencing of at least eight (8) feet or other suitable barrier approved by the Planning Board including locked gates to prevent unauthorized access. Electrical equipment shall be locked where possible. Keys for all locks on the premises must be stored in a Knox Box maintained and approved by the Fire Department for use in the case of an emergency.

**4663. Land Clearing, Soil Erosion and Habitat Impacts.** Given the nature of the need for no shadowing and maximum exposure of the solar panels to the sun, clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the installation or otherwise prescribed by applicable laws, regulations, and bylaws. Such installations shall not occur on any slopes greater than 15% in order to minimize erosion. All facilities must be located at least 100 feet from any wetland or Priority Habitat Area as delineated in accordance with the Massachusetts Endangered Species Act Regulations at 321CMR 10.00 or successor regulation.

**4670. Monitoring, Maintenance and Reporting**

**4671. Solar Electric Installation Conditions.** The owner or operator of the Large-Scale Ground-Mounted Solar Electric Installation shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Management Director. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

Edits/comments added from meeting dated: 7/19/2023

Edits made from meeting dated: 8/16/2023

Created doc compare: 9/14/2023

4672. Modifications. All material modifications to a solar electric installation made after issuance of the required building permit shall require approval by the Planning Board.

4673. Annual Reporting. The owner or operator of the installation shall submit an Annual Report which certifies compliance with the requirements of this bylaw and their approved site plan including control of vegetation, noise standards, and adequacy of road access. The Annual Report shall also provide information on the maintenance completed during the course of the year and the amount of electricity generated by the facility. -The Annual Report shall be submitted to the Board of Selectmen, Planning Board, Dighton Fire Chief, Emergency Management Director, Building Commissioner, Board of Health, Stormwater Committee and the Conservation Commission no later than 45 days after the end of the calendar year.

4680. Abandonment or Decommissioning

4681. Removal Requirements. Any Large-Scale Ground-Mounted Solar Electric Installation which has reached the end of its useful life or has been abandoned consistent with Section 4680 of this bylaw shall be removed. -The owner or operator shall physically remove the installation within 150 days of abandonment or the proposed date of decommissioning and if not, the town retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous or decommissioned *Large-Scale Ground Mounted Solar Electric Installation*. -As a condition of Site Plan or Special Permit approval, an applicant shall agree to allow entry to remove an abandoned or decommissioned installation. -The cost for the removal will be charged to the property owner in accordance with the provisions of M.G.L. 139, Section 3A as a tax lien on the property. -The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. -Decommissioning shall consist of:

- (a) Physical removal of all *Large-Scale Ground-Mounted Solar Electric Installation, structures*, equipment, security barriers and transmission lines from the site, including any materials used to limit vegetation.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. -The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

4682. Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar electric installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. -If the owner or operator of the *Large-Scale Ground Mounted Solar Electric Installation* fails to remove the installation in accordance with the requirements of this Section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.

Edits/comments added from meeting dated: 7/19/2023

Edits made from meeting dated: 8/16/2023

Created doc compare: 9/14/2023

4683.~~-~~ Financial Surety. The applicant for a Large-Scale Ground-Mounted Solar Electric Installation shall provide a form of surety, either through escrow account, bond or other form of surety approved by the Planning Board to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than one-hundred twenty-five percent (125%) of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant and the Town. ~~-~~Such surety will not be required for municipally- or state-owned facilities.~~-~~ The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer at the time of application for Site Plan Review. ~~-~~The amount shall include a mechanism for calculating increased removal costs due to inflation.

**Large-Scale Ground-Mounted Solar Electric Installation:** A solar photovoltaic system, including ground mounted hot water collectors or other solar collector, on a parcel of at least eight (8) acres that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW Direct Current (DC).

**Large-Scale Mounted Solar Photovoltaic Installation:** A solar photovoltaic system, including ground mounted hot water collectors or other solar collector, on a parcel of at least eight (8) acres that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 1 Mgw DC.

Edits/comments added from meeting dated: 7/19/2023

Edits made from meeting dated: 8/16/2023

Created doc compare: 9/14/2023

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**5400. - SITE PLAN REVIEW.**

**5410. - Applicability.**

The following types of activities and uses require site plan review by the Planning Board:

5411. -Construction, exterior alteration or exterior expansion of, or change of use within, a municipal, *institutional*, commercial, industrial, or multi-family *structure*; or

5412. - Construction or expansion of a parking *lot* for a municipal, *institutional*, commercial, industrial, or multi-family *structure* or purpose.

**5420. - Procedures.**

Applicants for site plan approval shall submit ~~five (5)~~six (6) copies ~~of~~and an electronic media format acceptable to the site planTown to the Planning Board for review, and within three (3) days thereafter shall also submit a copy of the site plan to the Board of Health, Board of Appeals, Building Commissioner, Town Engineer/Peer Review Engineer, and Conservation Commission for their advisory review and comments. - The Planning Board shall review and act upon the site plan, with such conditions as may be deemed appropriate, within sixty (60) days of its receipt, and notify the applicant of its decision. -The decision of the Planning Board shall be upon a majority of those present and shall be in writing. -No building permit or certificate of occupancy ~~shall~~may be issued by the Building Commissioner without the written approval of the site plan by the Planning Board, unless sixty (60) days lapse from the date of the submittal of the site plan without action by the Planning Board. -

5421. - Application for Building Permit. - An application for a building permit to perform work as set forth in §5410 available as of right shall be accompanied by an approved site plan

5422. - Application for Special Permit or Variance. - An application for a special permit or a variance to perform work as set forth in §5410 shall be accompanied by an approved site plan; in the alternative, any special permit or variance granted for work set forth in- §5410 shall contain the following condition:

The work described herein requires the approval of a site plan by the Planning Board pursuant to §5400 of the Zoning By-law. -Any conditions imposed in such site plan approval shall also be conditions of this special permit/variance.

5423. - Where the Planning Board approves a site plan "with conditions", and said approved site plan accompanies a special permit or variance application to the Board of Appeals, the conditions imposed by the Planning Board shall be incorporated into the issuance, if any, of a special permit or variance by the Board of Appeals. -

5424. - The applicant may request, and the Planning Board may grant by majority vote, an

Comments noted from meeting dated: 3/15/2023

Comments noted from meeting dated: 4/5/2023

Comments noted from meeting dated: 5/3/2023

Chairman Carvalho added noted: 7/20/2023

Amendments made per 8/16/2023 meeting

JC Corrections made & KE Comments made: 9/06/2023

JC Correction: 9/11/2023

Created Doc Compare: 9/14/2023

extension of the time limits set forth herein.-

5425.- No deviation from an approved site plan shall be permitted without modification thereof.

5430.— Preparation of Plans.

Applicants are invited to submit a pre-application sketch of the proposed project to the Planning Board and to schedule a comment period at a regular meeting of the board. -Site Plans shall be submitted on ~~24" x 36"~~ sheets. - Plans shall be prepared by a Registered Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect, as appropriate. -Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal. -All plans shall have a minimum scale of ~~1"~~ = ~~40'~~.

5440.— Contents of Plan.

The contents of the site plan ~~are~~may be as follows:

5441.— Six (6) separate plans prepared at a standard scale ~~of one (1") inch equals twenty (20') feet~~ or such other scale as may be approved by the Planning Board. -The plans are as follows:

- a. Locus plan, at a scale of one (1<sup>2</sup>%) inch equals one hundred (100<sup>4</sup>) feet, showing the entire project and its relation to existing areas, *buildings* and roads for a distance of one thousand (1,000<sup>4</sup>) feet from the project boundaries or such other distance as may be approved or required by the planning board.
- b. Site layout, which shall contain the boundaries of the *lot*(s) in the proposed development, proposed structures, drives, parking, fences, walls, walks, outdoor lighting, loading facilities, and areas for snow storage after plowing.-
- c. Topography and drainage plan, which shall contain the existing and proposed final topography at two (2<sup>4</sup>) foot intervals and plans for handling stormwater drainage.-
- d. Utility plan, which shall include all facilities for refuse and sewerage disposal or storage of all wastes, the location of all hydrants, fire alarm and ~~fire fighting~~firefighting facilities on and adjacent to the site, and all wetlands including floodplain areas.
- e. Architectural plan, which shall include the ground floor plan and architectural elevations of all proposed *buildings* and a color rendering.
- f. Landscaping plan, showing the limits of work, existing tree lines, and all proposed landscape features and improvements including screening, planting areas with size and type of stock for each shrub or tree, and including proposed erosion control measures and all proposed recreational facilities and open space areas.

Comments noted from meeting dated: 3/15/2023

Comments noted from meeting dated: 4/5/2023

Comments noted from meeting dated: 5/3/2023

Chairman Carvalho added noted: 7/20/2023

Amendments made per 8/16/2023 meeting

JC Corrections made & KE Comments made: 9/06/2023

JC Correction: 9/11/2023

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5442.— The site plan ~~shall~~may be accompanied by a written statement indicating the estimated time required to complete the proposed project and any and all phases thereof. There shall be submitted a written estimate, showing in detail the costs of all site improvements planned.

5443.— A written summary of the contemplated projects shall be submitted with the site plan indicating, where appropriate, the number of *dwelling* units to be built and the acreage in residential use, the evidence of compliance with parking and off-~~the~~ street loading requirements, the forms of ownership contemplated for the property and a summary of the provisions of any ownership or maintenance thereof, identification of all land that will become common or public land, and any other evidence necessary to indicate compliance with this by~~the~~ law.

5444.— The site plan shall be accompanied by drainage calculations by a registered professional engineer. -Storm drainage design must conform to Town of Dighton subdivision regulations.

5445.— The Planning Board may require a ~~DIS~~Development Impact Statement as set forth in §~~5300~~, above~~5340~~.

5450.— Waiver of Compliance.

The Planning Board may, upon verbal or written request of the applicant, waive any of the requirements of §5400 where the project involves relatively simple development plans or constitutes a minor site plan.

5460.— Minor Site Plan.

Applications for permits to build, alter or expand any nonresidential *building*, structure or use in any district where such construction will not exceed a total gross floor area of 2000 square feet, and~~or~~ will not generate the need for more than 10 parking spaces, shall be deemed a minor site plan. For the purposes of computing the total gross floor area of a minor site plan, the Planning Board shall aggregate all such applications made within the five (5) previous calendar years.— Unless otherwise waived at the request of the applicant per §5450, minor site plans shall set forth all of the information required by §5440; provided, however, that the scale of the site plan may be 1" = 80', and the plan may depict topographical contours at intervals available on maps provided by the United States Geological Survey, and need not be prepared professionally.—

5470.— Approval.

Site Plan approval shall be granted upon determination by the Planning Board that the plan meets the following objectives. -The Planning Board may impose reasonable conditions at the expense of the applicant, including performance guarantees, to promote these objectives. -New ~~building~~ construction or other site alteration shall be designed in the Site Plan, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development, so as to:-

5471.— Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the

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Comments noted from meeting dated: 4/5/2023

Comments noted from meeting dated: 5/3/2023

Chairman Carvalho added noted: 7/20/2023

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JC Corrections made & KE Comments made: 9/06/2023

JC Correction: 9/11/2023

Created Doc Compare: 9/14/2023

extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution;

5472. Maximize pedestrian and vehicular safety both on the site and egressing from it;

5473. Minimize obstruction of scenic views from publicly accessible locations;

5474. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;

5475. Minimize glare from headlights and lighting intrusion;

5476. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places.

5477. Minimize contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances;

5478. Provide adequate access to each *structure* for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Planning Boards Subdivision Rules and Regulations;

5479. Ensure compliance with the provisions of this Zoning by-law, including parking and landscaping.

#### 5480. Lapse.

Site plan approval shall lapse after one year from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.

#### 5490. Regulations and Fees.

The Planning Board may adopt and from time to time amend reasonable regulations for the administration of these Site Plan guidelines. The Planning Board may adopt reasonable administrative fees and technical review fees for site plan review.

5491. Any decision of the Planning Board made pursuant to this §5400 shall be appealed to a court of competent jurisdiction in accordance with the provisions of G. L. c. 40A, §17.

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